

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:19-CV-00101-KDB-DCK**

**CANDY KIZIAH and BRIAN
BLACKBURN,**

Plaintiffs,

v.

**CATAWBA COUNTY, NORTH
CAROLINA, *et al.*,**

Defendants.

ORDER

THIS MATTER is before the Court following Defendants Matthew Kanupp and Don Brown’s response to the Court’s order requiring them to identify three unknown defendants in this action. (Doc. No. 23). Plaintiffs filed a motion requesting that the Court order service be made by a United States Marshal on three Defendants that Plaintiffs had identified as “Monroe,” “Declan,” and “Wilson” at the Catawba County Sherriff’s Office. (Doc. No. 18). Plaintiffs claimed they had attempted to ascertain the identities of “Monroe,” “Declan,” and “Wilson,” but were unsuccessful. In response, the Court ordered that Defendants Kanupp and Brown, who are both employees at the Catawba County Sheriff’s Office, identify the three unknown Defendants. (Doc. No. 22, at 7).

Defendants Kanupp and Brown have identified the unknown defendants as Deputy Zachary Monroe, Deputy Dannie Cline, and Deputy William Wilson of the Catawba County Sheriff’s Office located at 100 Government Drive, Department E, Newton, North Carolina, 28658. (Doc. No. 23).

Plaintiffs, appearing *pro se*, have filed a complaint and paid the filing fee. Plaintiffs are informed that it is their responsibility to serve the complaint and summons so that the Defendants

can respond to its allegations. The Federal Rules of Civil Procedure encourage individuals to avoid the unnecessary expense of service of process by waiving service. *See* Fed. R. Civ. P. 4(d). In the event Defendants Monroe, Cline, and Wilson do not agree to waive service, Plaintiffs must have the following documents delivered to Defendants to effect service of process: (a) a copy of the Complaint; and (b) a summons that is issued to the Plaintiffs by the clerk of court. Service may be effected by any person who is at least 18 years of age and is not a party to this action. Service upon an individual is effected by serving the Defendants in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. Plaintiffs should thoroughly review Rule 4 before attempting service on Defendants.

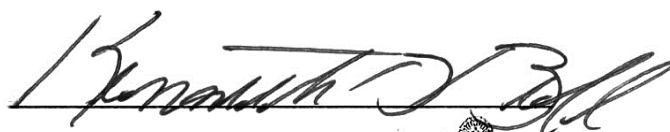
Plaintiffs are advised that they are responsible for service on Defendants Monroe, Cline, and Wilson within **THIRTY (30) DAYS** of the issuance of this Order. Plaintiffs' failure to effect service within that time may result in dismissal of this case against these three Defendants. *See* Fed. R. Civ. P. 4(m).

IT IS THEREFORE ORDERED that:

1. Plaintiffs are responsible for prompt service of a summons and a copy of the complaint upon Defendants Monroe, Cline, and Wilson; and
2. Failure to effect service of Defendants Monroe, Cline, and Wilson within **THIRTY (30) DAYS** of the issuance of this Order may result in the dismissal of this action against Defendants Monroe, Cline, and Wilson.

SO ORDERED.

Signed: March 3, 2020



Kenneth D. Bell
United States District Judge

